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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/617,677 | 07/14/2003 | Yin-Shu Yang | YANG3147/EM | 4120 |

23364 7590 12/09/2004

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| EXAMINER |
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KLEBE, GERALD B

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| ART UNIT | PAPER NUMBER |
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3618

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-------------------------------|--|
| Office Action Summary | Application No. 10/617,677 | Applicant(s) YANG, YIN-SHU | |
| | Examiner Gerald B. Klebe | Art Unit 3618 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

G. B. Klebe
3 Dec 2004

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Taiwan on June 12, 2003. It is noted, however, that applicant has not filed a certified copy of the Taiwan application as required by 35 U.S.C. 119(b).

Claims Objections-Informalities

2. Claim 1 is objected to because of the following informalities:

Claim 1, line 10, the word "firs" should be --first--.

Appropriate correction is required.

Claims Objections - Duplicate Claims

3. Applicant is advised that should claim 5 be found allowable, claim 6 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1- 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Straka (US 4943085).

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Straka (-085) discloses a vehicle running board comprising:

(re: claim 1) a first side pipe (Fig 1, item 18), being hollow inside and having a straight pipe section (14) and a curved pipe section (16), the curved pipe section having a fixed base (24); a second side pipe (17), being hollow inside and having a straight pipe section (13) and a curved pipe section (16), and the curved pipe section having a fixed base (24); and, a middle pipe (Fig 3, item 40), being a hollow straight pipe having an embedded section on both ends (as shown; and refer col 4, lines 20-24); so that by means of the foregoing structure, the middle pipe (40) embedded sections are embedded section between the straight pipe sections of the first and second side pipes; and,

(re: claim 2) wherein the fixed base (24) is disposed in the end opening of the curved pipe section of the first and second side pipes, and a screw nut and a screw hole formed by the screw hole are disposed on the fixed base (refer Figs 1- 3); and,

(re: claim 3) wherein the first side pipe has it straight section longer than that of the second pipe (clear from the depictions of Figs 1-3); and,

(re: claim 4) further comprising a step mat (variously 19, 19A-D).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Straka (US 4943085).

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As discussed above, Straka (-085) discloses all of the features of claim 4 from which claims 5 and 6 depend. Straka's step mat is disposed directly on the middle pipe rather than being disposed between the first side pipe and the middle pipe.

However, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have disposed the step mat anywhere along the extent of either or both of the first side pipe and the middle pipe as a matter of design choice based upon considerations of where the expected step of passengers entering and exiting the vehicle would fall since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Prior Art made of Record

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The prior art of Elwell et al. (D -914 and D -646), of Weir, of Straka (-638), of Selland et al., of Bernard, of Elrod, and of Sidles, Jr. et al. each show features in common with some of the other structures of the inventive concept disclosed in the instant application.

Conclusion


9. Any inquiry concerning this or earlier communication(s) from the examiner should be directed to Gerald B. Klebe at 703-305-0578, fax 703-872-9306; Mon.-Fri., 8:00 AM - 4:30 PM ET, or to Supervisory Patent Examiner Christopher P. Ellis, Art Unit 3618, at 703-308-2560.

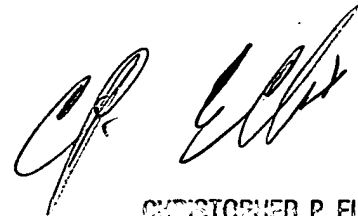
Official correspondence should be sent to the following TC 3600 Official Rightfax numbers as follows: Regular correspondence: 703-872-9326; After Finals: 703-872-9327; Customer Service: 703-872-9325.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


gbklebe / Art Unit 3618 / 3-Dec-04



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